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PUBLIC ROAD ALLOWANCES— AN EXPLANATORY GUIDELINE



Ontario

Ministry of
Housing



PUBLIC ROAD ALLOWANCES— AN EXPLANATORY GUIDELINE

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Prepared by Operations & Development Control Branch
Plans Administration Division



Ontario

Ministry of
Housing

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I.

SECTION 443 OF THE MUNICIPAL ACT

1. The Legislation

Section 443(1) of The Municipal Act authorizes municipalities to pass by-laws for establishing, closing, selling, altering, diverting, etc. roads. The Municipal Act outlines the procedure that must be followed before a by-law passed under this section comes into force.

It is important to realize that not all such by-laws need the approval of the Minister of Housing. The legislation does state, however, that no by-law passed under this section comes into force until a certified copy of the by-law (with all the required approvals) has been registered in the appropriate Land Titles or Registry Office. (Section 443(9)).

2. Passing a By-law under Section 443(1)

The Procedure

The Municipal Act outlines the procedure that is followed in passing a by-law under Section 443(1). The procedure varies with the type of by-law and the type of municipality involved.

The following is a summary of the procedure a municipality must follow in passing a by-law under Section 443(1) of The Municipal Act:

- (i) Public Notice of the proposed by-law must be given. Section 446(1) states that the by-law must be published once a week for four consecutive weeks. In addition, if a village or township has less than 40,000 people, the notice must be posted in six places in the vicinity of the road for a month.
- (ii) The Council must hear in person all individuals or their agents who claim to be adversely affected. The by-law can be passed only if access to any abutting property is not cut off or if alternate arrangements, satisfactory to the objectors, have been made.
- (iii) Under Section 443(4), a clearance from the Governor General in Council may be required for such a by-law. This

clearance is usually obtained from the Department of Public Works of Canada. To determine whether the Federal government has an interest, an inquiry would be directed to the Deputy of Public Works - Attention Land Registry.

- (iv) If the city, town, village or township is in a regional or district municipality, and only if the by-law involves a road closing, the council of the regional or district municipality must be notified by registered mail. The Regional or District Council then has 60 days to notify the Council of the area municipality of its objection. The road cannot be closed until agreement between the two Councils is reached or the matter is referred to the Ontario Municipal Board for a hearing. The decision of the Ontario Municipal Board is final. This requirement is not set out in The Municipal Act. It is found in the separate acts for regional and district municipalities.

NOTE: This notification must be done for all road closing by-laws whether or not they need the approval of the Minister of Housing.

- (v) The by-law may then be passed, but if it involved a road closing, before it can be approved by the Minister of Housing (if required) and/or registered, it must be approved as follows:

- a township in an unorganized territory:
Approval by a district court judge in the district where the township is located (Section 443(6)(a)).
- a township separated for municipal purposes from the county where it is located:
Approval of a by-law by the county judge where the township is located. e.g. Pelee Township in Essex County. (Section 443(6)(b)).

- other townships:

Approval by a by-law of the County Council passed within one year of the township by-law being passed.
(Section 443(6)(c)).

- cities, towns and villages:

No such approvals required.

NOTE: These approvals must be obtained for all road closing by-laws whether or not they need the approval of the Minister of Housing.

(vi) In addition, Section 22(2) of The Public Transportation and Highway Improvement Act requires that a by-law to open, close, or divert any road allowance be approved by the Minister of Transportation and Communications if the road abuts or will have access to a Provincial Highway. This approval must be obtained before an approval by the Minister of Housing. Both approvals are usually stamped on the same certified copy of the by-law. In that way only one copy needs to be registered in the Registry or Land Titles Office. Applications for the approval of the Minister of Transportation and Communications are addressed to the attention of the Legal Branch and should include:

- a certified copy of the by-law;
- a brief explanation of the reasons;
- a plan or sketch.

(vii) If the by-law is one that requires the approval of the Minister of Housing, it must then be submitted to the Minister for his approval before it can be registered.

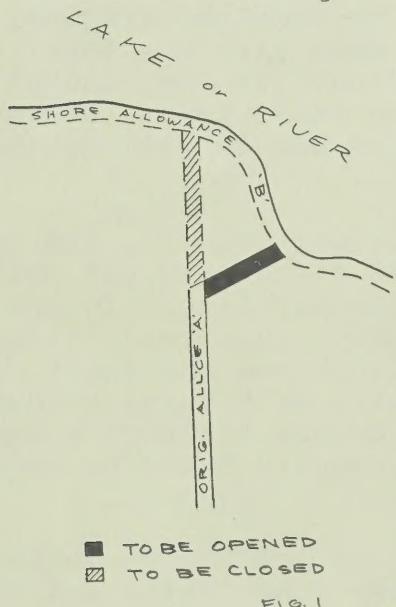
3. Section 443(3) - The Closing of Road Allowances Reserved in the Original Survey on or Leading to Water

One of the types of by-laws passed under Section 443(1) that needs the approval of the

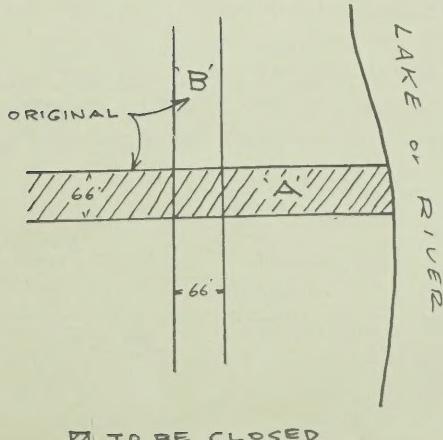
Minister of Housing is a by-law passed by council for closing a road allowance (all or part), shown on an original survey on or leading to water. This requirement is set out in Section 443(3) of The Municipal Act. The diverting or altering of such a road allowance on the original survey leading to water needs the Minister's approval even if it does not involve a closing.

"On or Leading to Water"

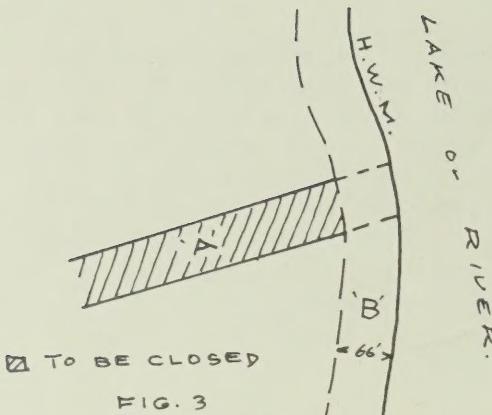
The legislation clearly states that the road allowance must be on or leading to water before the Minister's approval is required. "On water" refers to road allowances running along the bank of a river or stream or along the shore of a lake. "Leading to water" refers to road allowances that extend to the shore of a lake or the bank of a river or stream. Figure 1 illustrates the two types of road allowances. Road allowance A extends to the bank of a river. Road allowance B is a shore allowance running along a lake.



In Figure 1, road allowance A is a road allowance reserved in an original survey. The council wishes to divert the road allowance which heads due north so that it goes to the north east. The by-law for the closing of part of the road allowance needs the approval of the Minister. The by-law to open the new road allowance does not.



In Figure 2, road allowance A crosses road allowance B before meeting water. It is a matter of legal interpretation if road allowance A leads to water or to another road allowance. Depending on the interpretation taken, the Minister's approval may or may not be applied for.



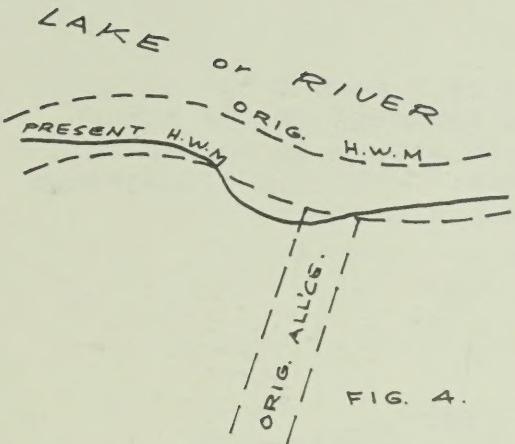
Reserved on an Original Survey

A by-law to close a road allowance on or leading to water needs the approval of the Minister of Housing only if it has been reserved in the original survey of the municipality. The original survey is the first authorized survey made of the boundaries and interior of any part of Ontario. If in doubt about whether the survey showing the road allowance is in fact the original survey, a check should be made with the local registry or land titles office. If the road allowance was not reserved on the original survey, the by-law can be passed but it will not need the Minister's approval.

If there is a municipal Council, the road allowances shown on these original surveys are owned by the municipality. In the case of unorganized territories, road allowances are owned by the Crown and the agent of the Crown is the Ministry of Natural Resources. Where the road allowance falls on a municipal boundary, half is usually owned by each municipality.

Road allowances on or leading to water are usually 66 feet wide (one chain) and in the case of shore allowances the measurement is taken from the established high water mark at the time of the original survey. In many parts of Ontario, dam construction or other circumstances have meant that all or part of the original shore allowance is now under water.

In Figure 3, road allowance A extends to lake shore allowance B. Again, it becomes a matter of legal interpretation whether road allowance A leads to water or to another road allowance and whether the Minister's approval must be obtained.

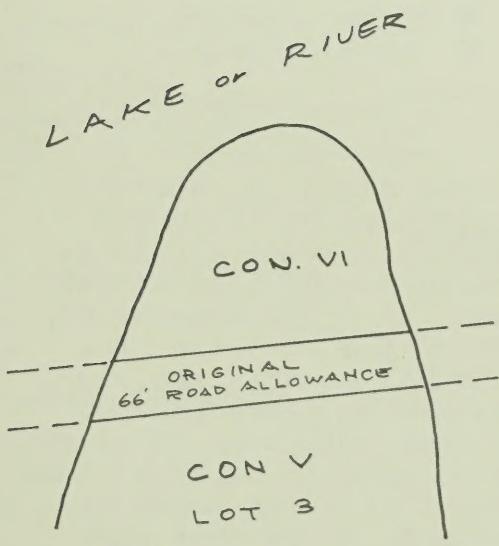


As Figure 4 illustrates, the location of the road allowance does not vary as the water level changes. The road allowance is located where originally surveyed.

Closing the Road Allowance

The Reasons

There are many reasons why a municipal council might consider passing a by-law to close a road allowance reserved in an original survey on or leading to water. The following examples indicate some of the more common circumstances where such a by-law may be passed.



In Figure 5, the original road allowance, reserved in the original survey, traverses a point of land from one stretch of water to another. There is no public road access to this road allowance. In effect, the road allowance leads from nowhere to nowhere and so may be closed since it does not provide good public access to the water.

As another example, part of the road allowance reserved in the original survey may be swampy, flooded or perhaps too steep to permit a suitable road to be built. The municipality may wish to close the part of the road allowance that is unsuitable for development and purchase land for an alternative public access to the

water. Such a by-law may be approved if the alternate access is deemed suitable. Figure 1 illustrates this situation.

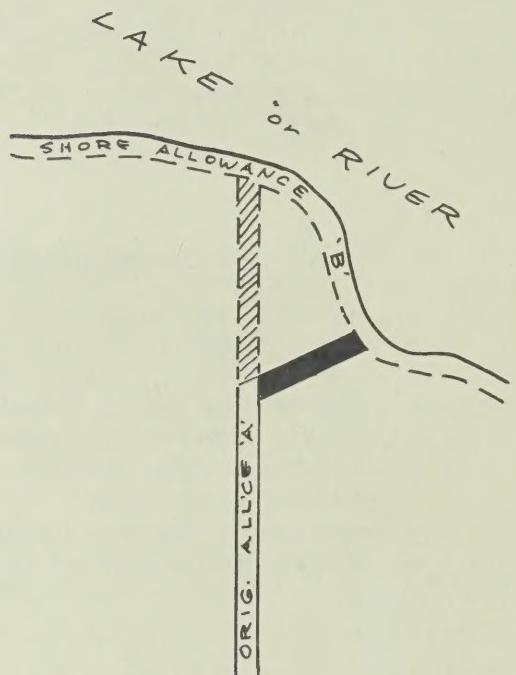


FIG. 1

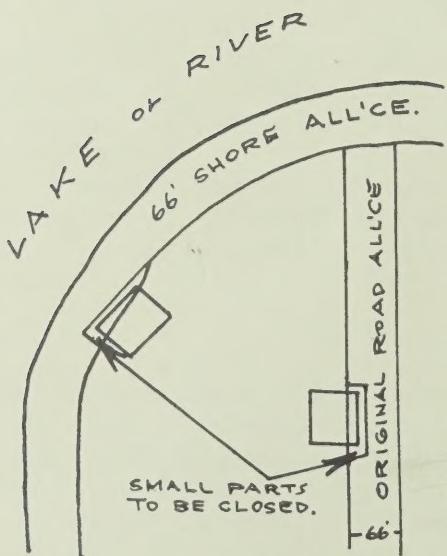


FIG. 6

In some cases, a fairly substantial building may inadvertently be partially located on the road allowance. If it is impractical to move the building, the municipal council may pass a by-law to close part of the road allowance to allow the building's owner to have clear title. As shown in Figure 6, a few feet need to be closed and the rest of the road allowance can remain as public access to the water.

Circumstances where Approval may not be given

The Province's main concern in evaluating such a road closing application is the preservation of public access to Ontario's waterways.

Applications for approval of such a by-law must give the reasons why the closing of the road is necessary and what alternate public access would be available for public use. If suitable alternate access is considered necessary and cannot be provided, then the application will not be recommended for approval.

If, for example, a shore road allowance is being closed to allow a registered plan of subdivision to be developed along a public waterway, the application will usually not be approved since it would prevent public access to the water.

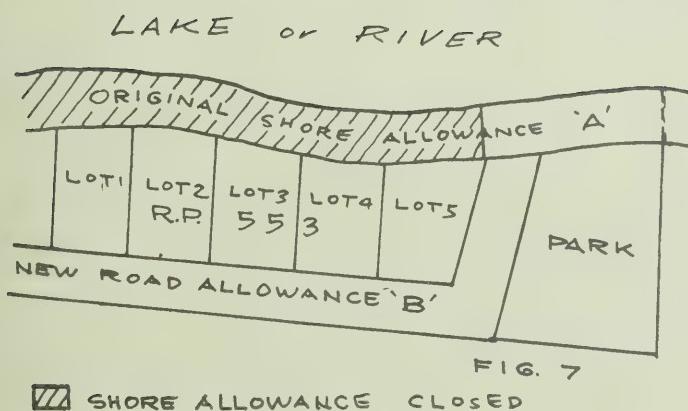


Figure 7, shows a situation where such an approval could be given. In this case, the shore road allowance 'A' is rather rocky and not really suitable for public use. The subdivider has dedicated to the municipality a new road allowance 'B' and a park with direct access to the water. A by-law may then be passed to close road allowance 'A'. The funds received from the sale of the closed road allowance would be put into a special account and possibly used for the development of the public park.

4. Section 443(3) - The Sale or Long Term Lease of a Closed Road Allowance on or Leading to Water

Once the road allowance is closed, it may be retained by the municipality. Alternatively, it may be leased or sold. If it is to be sold

or if it is to be leased for more than 30 years, then in accordance with Section 443(3) a lease or sale must be approved by the Minister of Housing. When the road allowance is not reserved in an original survey and is not on or leading to water then the Minister's approval for the sale or lease is not needed.

(i) Conveying the Road Allowance:
The Requirements under Section 461
of The Municipal Act

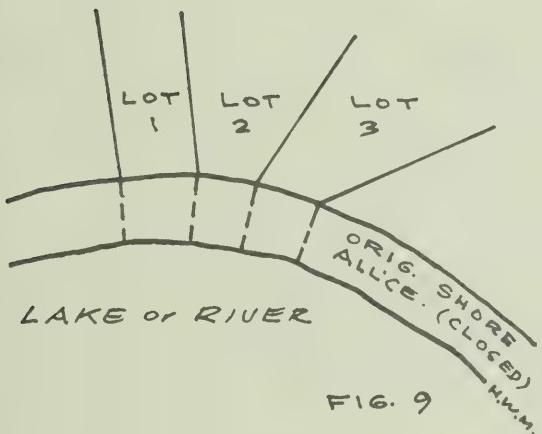
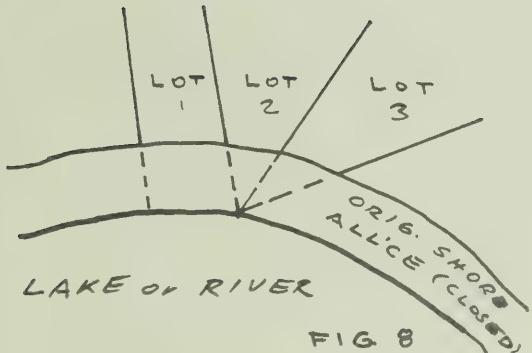
Section 461 of The Municipal Act outlines the requirements that must be followed in disposing of a closed road allowance. These requirements must be met whether or not the by-law to sell or lease needs the approval of the Minister of Housing.

1. The abutting owners must be given the first chance to buy to the centre line of the road allowance at a price set by the Council.
2. If the abutting owner does not buy the land within a time limit set by by-law, then the land can be sold to any other purchaser at the same or higher price.

(ii) Conveying Shore Road Allowance:
Some Problems

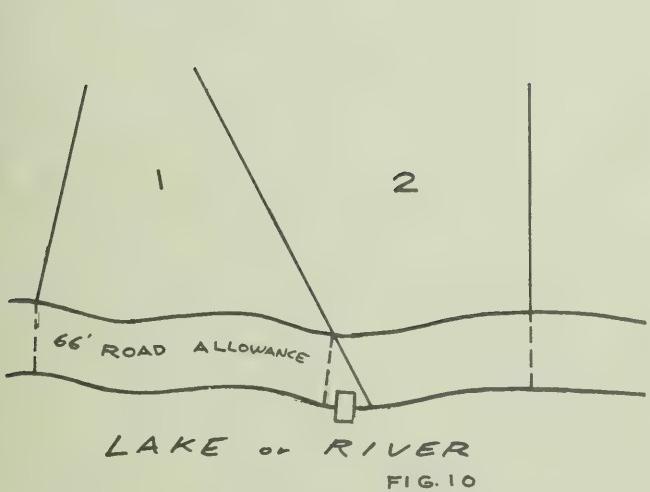
The Municipal Act states abutting owners must be given the first chance to buy to the centre line of the road allowance. On shore road allowances the abutting owner of the water side is usually the Crown in right of Ontario or Canada. In most cases the Crown waives its right to its half of the road allowance. The local Council must then decide on a policy for selling the road allowance to the abutting owners on the land side.

Where the shore road allowance is straight and the abutting lots are uniform, the lot lines can be extended to include the road allowance without any problems.



However, where the shore road allowance is curved and abutting lots are not rectangular, extending the lot lines may create problems. In Figure 8, if the lot lines were extended for lots 2 and 3, both lots would have no access to the water.

As an alternative, the municipality could adopt a policy that states that for the purpose of conveying shore road allowances, the lot line will be extended so that the line extends from the inner limit of the road allowance the shortest distance to the high water mark. Figure 9 illustrates how this works. In this case all lot owners are ensured of shore access.



This informal policy may not be appropriate in circumstances where an existing situation will cause problems. In Figure 10, if the lot line were extended from the inner limit of the shore allowance the shortest distance to the high water mark, an existing boathouse belonging to the owner of Lot 1 would not be included in Lot 1. In this case the lot line between Lot 1 and Lot 2 can be extended in a straight line so that the boathouse is on Lot 1's land.

(iii) Evaluation of a By-law for Sale or Long Term Lease by the Minister

The sale or long term lease of a closed road allowance is considered by the Minister

at the time of the application for the closing itself. If the Council does not indicate in its application how the closed road allowance is to be disposed, an inquiry is made as to their intended action. The approval for sale or long term lease by-law is given at the same time or after the approval of the road closing by-law, unless the Minister or another Government agency stipulates that the road allowance must be retained by the municipality.

(iv) The Publication Requirement and the Wording of the By-law

The wording of the public notice is very important. If it is done incorrectly, it may result in a great deal of wasted effort. For example, should a Council apply for the Minister's approval of a by-law for the closing and sale of a public road allowance and the public notice cites the closing only, then the publication is incorrect and must be done again.

Furthermore, since Section 446(1) clearly states that the publication must be done before the by-law is passed, not only must the publication be redone but a new by-law passed and all the approvals required applied for again.

It is, therefore, advisable for the Council to consider how the closed road allowance is to be disposed of at the outset and to make sure the public notice required under Section 446(1) includes information on whether it is intended to lease, sell or retain the closed road allowance.

(v) The Use of Two Separate By-laws: One to Close and One to Sell

The closing and sale or lease of the road allowance can be dealt with in one by-law. In some circumstances, however, the Minister may decide that approval to close the road allowance can be given only if the road allowance is retained by the municipality. In this case, the by-law

indicating both closing and sale or lease is not acceptable. A new by-law must be passed for only the closing.

The approvals outlined in Section 2 must be applied for again. This problem can be avoided by passing two separate by-laws - one for the closing and one for the sale or lease.

(vi) Funds Obtained from the Sale or Lease of Road Allowances Leading to Water

The monies obtained from the sale of a road allowance reserved on the original survey on or leading to water must be paid into a special account less any expenses incurred in closing the road. This provision is outlined in Section 461(4) of The Municipal Act. The use of the money is then subject to Section 33(11) of The Planning Act.

5. Section 443(8) - The Closing of Road Allowances on Registered Plans

Section 443(8) of The Municipal Act states that a by-law passed under Section 443(1) for the closing of all or part of a road allowance on a plan of subdivision registered after March 27, 1946 needs the approval of the Minister of Housing. Minister's approval is not needed for the sale of the closed road allowance.

(i) Registered After March 27, 1946

Although Section 443(8) does state that the plan of subdivision must have been registered after March 27, 1946, it does not specify whether that plan must be a registered plan within the meaning of The Planning Act. As a result, a number of other plans that have registered plan numbers are affected by this section. These include:

- Registrar's Compiled Plans
- Judge's Compiled Plans
- Municipal Plans

even though these plans are not plans of subdivision under The Planning Act.

(ii) The Registered Plan must be Binding

A registered plan is not binding until the first mortgage or deed is registered. This provision is set out in Section 78(10) of The Registry Act and Section 167(4) of The Land Titles Act. Until the plan is binding, the roads are still owned by the subdivider (not the municipality) and cannot be closed under this section.

(iii) The Closing of a Road Allowance on a Registered Plan

The Reasons

There are many reasons why a municipality would consider passing a by-law to close all or part of a road allowance on a plan of subdivision registered after March 27, 1946.

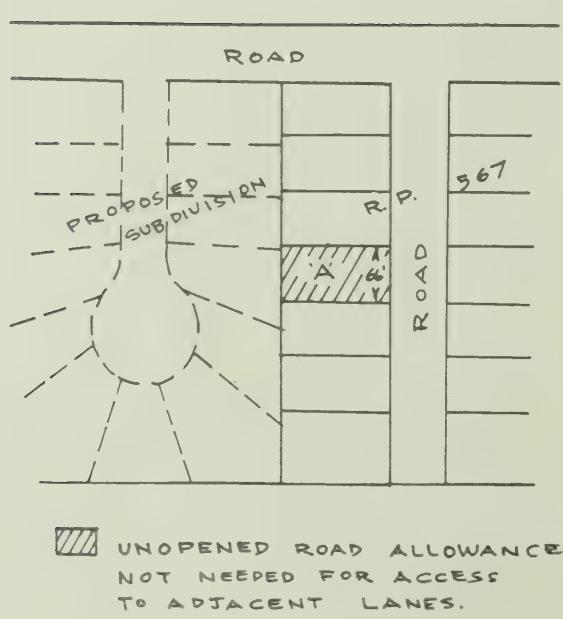


Figure 11 illustrates one such reason. In this example, a plan of subdivision was registered with a short stub of a road allowance 'A' left for future development. The owner of the adjacent land now proposes a plan of subdivision that connects with the older plan differently than originally anticipated. Because the road allowance 'A' will not be needed, a by-law can be passed by council to close it and the land sold in accordance with The Municipal Act.

FIG. 11

As another illustration, a plan of subdivision may have been registered but

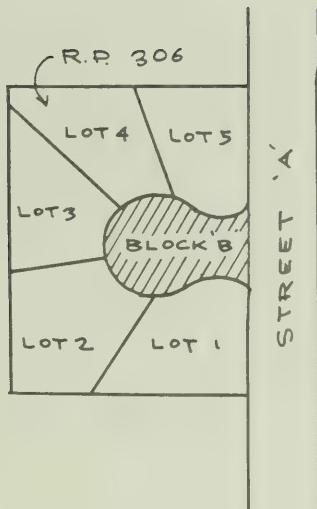


FIG. 12

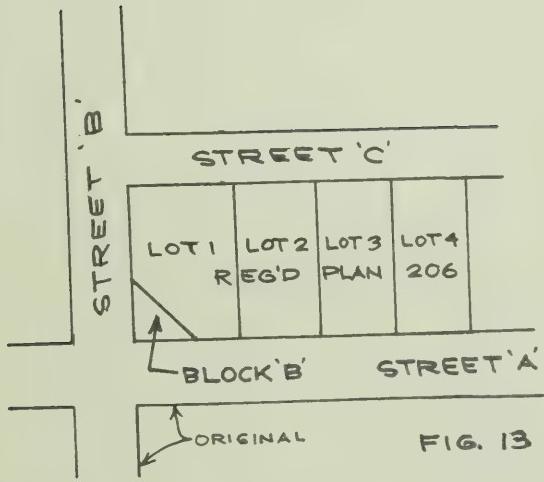


FIG. 13

never developed. This situation is shown in Figure 12. Lots 1 - 5 on R.P. 306 remain in one ownership and vacant. The official plan and zoning by-law permit commercial development at this location. A by-law may be passed to close street 'B'. The closed road allowance can then be sold back to the subdivider and a commercial building having access on to street 'A' can be built.

As shown in Figure 13, the Minister's approval required under Section 443(8) is not always apparent. In this example, the municipality wishes to close street 'A'. The street is not part of a registered plan and so the Minister's approval does not appear to be needed. The closing, however, includes the daylighting triangle shown as Block B on the registered plan. Minister's approval is, therefore, needed since the closing involved a road allowance on a registered plan. The important point to remember is that Minister's approval is required whether the closing involves 6 inches of road allowance on a registered plan or 600 feet.

(iv) The Minister's Approval

If the road closing is recommended for approval, the Minister's approval can either be given on the by-law itself or, if the by-law has been registered inadvertently without the Minister's approval, by special document. (See Appendix 1). Thus the confusion of having two copies of the same by-law registered is avoided.

6. The Contents of the Application to the Minister

If a by-law passed under Section 443(1) of The Municipal Act needs the approval of the Minister of Housing, a complete application from the municipality should contain the following:

- (i) The reasons for altering, diverting, or selling the road allowance and in the case of a road allowance on or leading to water, an explanation of what alternate access is to be provided for public use.
- (ii) A declaration by the municipal clerk addressed to the Minister requesting the approval of the by-law and reciting:
 - the description of the portion of the road allowance that is to be altered, diverted, stopped up, leased or sold;
 - that no person has been deprived of the means of ingress and egress to and from his land or place of residence or, alternatively, that all persons who are deprived of their ingress and egress to and from their land or places of residence have consented to the passing of the by-law or that, in addition to making compensation to such person, another convenient road or way of access to the land or places of residence has been provided, in accordance with Section 444 of The Municipal Act;

- that notice of the proposed by-law was published in a stated newspaper on stated dates, in accordance with the provisions of Section 446(1) (a) of The Municipal Act;
- in case of a village or township with a population of less than 40,000, that a notice of the proposed by-law was posted for at least one month in six of the most public places in the immediate neighbourhood of the road allowance to be widened, altered, diverted, or stopped up, in accordance with Section 446(1)(a) of The Municipal Act;
- that before the by-law was passed the Council heard all persons who claimed that their land would be prejudicially affected by the by-law and who applied to be heard, in accordance with the provisions of Section 446(1) (b) of The Municipal Act;

(iii) One original and two certified copies of the by-law (See Appendix 2 for sample by-laws).

The original by-law must include:

- by-law number
- original signatures of the mayor (reeve) and the clerk
- the embossed corporate seal.

The certified copy must include:

- by-law number
- date of passing
- names of mayor (reeve) and clerk
- certification by the clerk that the copy is a true copy. Certification must include clerk's original signature, date of certification and embossed corporate seal.

(iv) A copy of the public notice (See Appendix 3).

- must have been published in accordance with the requirements of Section 446(1)(a) of The Municipal Act;
 - description of road to be closed must be the same as that included in the by-law;
 - the public notice must be correct with respect to the type of by-law to be passed (See Section 4(iv) for a more detailed explanation).
- (v) Six copies of a plan prepared by an Ontario Land Surveyor showing clearly the portion of the road allowance being widened, altered, diverted, or stopped up and its relationship to the surrounding area.
- (vi) Six copies of a written description of the portion of the road allowance being widened, altered, diverted, or stopped up. This is in addition to the description required in the declaration and in the by-law.
- (vii) Two copies of the consent of the Governor General in Council, where required under Section 443(4) of The Municipal Act or, alternatively, a statement from the Department of Public Works of Canada that the Government of Canada has no interest in the road allowance proposed to be widened, altered, diverted, stopped up, leased or sold. To determine whether or not the Government of Canada is interested in the proposal, a suitable enquiry can be addressed to the Deputy Minister of Public Works, Ottawa - Attention Land Registry.
- (viii) If the road allowance abuts or will have access onto a Provincial Highway, approval of the Minister of Transportation and Communications is required. (See Section 2(vi) for more details)

(ix) The following additional documents are needed in the case of a road closing by-law in accordance with Section 443(6) of The Municipal Act. If the road allowance is being closed:

- by a township in unorganized territory, two copies of the approval of a judge of the district court;
- by a township separated for municipal purposes from the county in which it is situated (except area municipalities within the Municipality of Metropolitan Toronto), two copies of the approval of a judge of the county court;
- by other townships, two certified copies of the confirming by-law of the county council.

In addition, if the municipality is in a Regional or District municipality, proof must be given that the Regional Corporation has been properly notified of the road closing or alteration and has not objected. (See Section 3(iv) for more details)

(x) If the application is for closing a road allowance on a registered plan (Section 443(8)) a copy of the registered plan signed by the Registrar.

III. SECTION 450(2) OF THE MUNICIPAL ACT

Approval of Road Allowances Less than 66 Feet Wide and Greater than 100 Feet Wide

1. The Legislation

If the council of a municipality wishes to lay out a road, the approval of the Treasurer of Ontario and the Minister of Economics and Intergovernmental Affairs may be required.

STATUTES OF ONTARIO 1976, 2nd SESSION, CHAPTER 51 TRANSFERRED APPROVAL AUTHORITY UNDER THIS SECTION TO THE MINISTER OF HOUSING.

Such approval is necessary:

- if a road is to be laid out that is less than 66 feet wide in any municipality; and
- if a road is to be laid out that is more than 100 feet wide in townships and villages only.

Such approval is not necessary:

- if a road is to be laid out that is more than 100 feet in cities and towns; and
- if a road less than 66 feet wide or greater than 100 feet wide has been laid out in a plan of subdivision approved under The Planning Act. Section 450(3) states that Section 450 does not affect The Planning Act. Furthermore, in accordance with Section 33(4)(d) of The Planning Act, the Minister of Housing assesses the adequacy of the proposed road system before approving plans of subdivision.

2. The Request of Approval - Its Contents

The request for approval by the Minister under Section 450(2) should include the following information:

- a copy of a resolution from Council requesting approval to lay out such a road;
- a plan showing the proposed road allowance accompanied by a legal description.

- a report from the Engineering Department, the Planning Board, or the Planning Committee giving reasons why the proposed road cannot be 66 feet wide or less than 100 feet wide. This report would also include the status of the road construction to date and what further work is intended to complete its construction; and
- an indication from the Ministry of Transportation and Communications as to whether a future subsidy for maintenance would be available if approval is given.

3. The Evaluation of the Application

The standard road allowance in Ontario is 66 feet. Consequently, the Minister must be satisfied that the approval of a road allowance not in keeping with that standard is in the public interest. It is expected that every effort possible has been made by the municipality to acquire the standard width. Only when the existing circumstances make it impossible to obtain the required road allowance should a municipality apply for approval under Section 450.

4. The Approval

The approval is given by special letter. (See Appendix 4). The Municipal Act does not require that this approval be registered. It is, therefore, preferable whenever possible to show such a road allowance on a plan of subdivision approved under The Planning Act, since such plans are registered as public documents. Municipalities are therefore encouraged to include such a road allowance on a registered plan of subdivision and to apply for approval under Section 450 only if this is not possible.

III. SECTION 464 OF THE MUNICIPAL ACT

The Closing of Road Allowances
in Unorganized Territories

In unorganized Territories, that is in areas without municipal organization, the road allowances are Ontario Crown land. The Lieutenant Governor in Council has the authority to close, alter, divert, sell, or lease these road allowances under Section 464 of The Municipal Act.

IV. SECTION 86 OF THE REGISTRY ACT
(SECTION 163 OF THE LAND TITLES ACT)

The Closing of Road Allowances on a
Registered Plan by a Judge

1. The Legislation

In accordance with this legislation, the Council of a municipality may apply to a judge of the district or county where the registered plan is located to change that plan. If the registered plan has been approved under The Planning Act, the consent of the Minister of Housing is needed before the judge can consider the request. The Minister's consent is not needed for any other type of plan including:

- compiled plans; and
- plans approved and registered before the first Planning Act of 1946.

Although the judge is empowered to consider a wide range of changes, Section 86(1)(c) deals specifically with the matter of roads and gives the judge authority to close, divert, or alter, either permanently or temporarily, highways, roads, streets, and lanes shown on registered plans.

2. Section 86 as an Alternative to
Section 443(8) of The Municipal Act

Roads on certain registered plans can be closed by either passing a by-law under Section 443(8) or by applying to a judge. The municipality may decide to apply to a judge if the road has not been assumed in the hope that his route will prove speedier. Although the Minister's approval or consent is required in both cases, the publication requirement and some of the other approvals needed under Section 443 are not.

3. The Application to the Minister

The municipality must apply to the Minister for his written consent. The request for this consent should include:

- a resolution from the Council indicating that judge's approval to close the road

is being sought, and requesting the Minister's consent;

- an explanation of why the road is being closed and information on alternative access is required; and
- a copy of the registered plan with the Registrar's signature on it.

Whether approval is sought under The Registry Act or The Municipal Act, the reasons for closing a road on a registered plan should be similar. The evaluation by the Minister of both types of applications is essentially the same. Only the form of the approval is different. If the application for consent is made under Section 86 of The Registry Act, a special consent document is prepared. (See Appendix 5). The consent document, when signed, is forwarded to the judge together with the resolution of the municipal council stating that the road is to be closed.

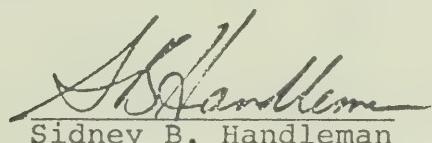


APPENDIX 1

Office of the Minister	Ministry of Housing	416/965-6456	Parliament Buildings Queen's Park Toronto Ontario
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PURSUANT TO SUBSECTION 8 OF SECTION 443 OF THE
MUNICIPAL ACT APPROVAL IS HEREBY GIVEN TO
BY-LAW NUMBER 2750 PASSED BY THE COUNCIL OF THE
TOWN OF INGERSOLL ON MARCH 19, 1973 AND REGISTERED
ON MARCH 21, 1973 AS INSTRUMENT NUMBER B30332, TO
CLOSE PORTIONS OF CERTAIN STREETS WITHIN
REGISTERED PLAN NUMBER 709 DESCRIBED IN DETAIL
IN SCHEDULE A ATTACHED TO BY-LAW NUMBER 2750 ALL
WITHIN THE TOWN OF INGERSOLL IN THE COUNTY OF
OXFORD

Dated at Toronto this 17th day of June 1974



Sidney B. Handleman
Minister of Housing

APPENDIX 2

THE MUNICIPAL CORPORATION OF THE OF

BY-LAW NO.

To close and stop up part of the original road allowance in Lot in Concession of

WHEREAS it is deemed expedient in the interest of the Municipal Corporation of of , hereinafter called the Corporation, that the original unopened road allowance set out and described in Schedule "A" attached hereto be closed and stopped up; and the land sold to the adjoining land owners; AND WHEREAS notice of this By-law has been published once a week for four consecutive weeks in the , a Newspaper published in the of ;

AND WHEREAS notice of this has been posted up for at least one month, in six of the most public places in the immediate neighbourhood of the said unopened road allowance;

AND WHEREAS the Council for the said Corporation has heard in person or by his counsel, solicitor or agent, all persons claiming that their land will be prejudicially affected by this By-law and who applied to the heard.

NOW THEREFORE, the Council of the of enacts as follows:

1. That upon and after the passing of this By-law all that portion of the 66 foot allowance for road set out and described in Schedule "A" attached hereto, be and the same is hereby closed and stopped up.
2. All that part of the said unopened road allowance herein before described and stopped up shall be sold to the adjoining owner or owners or any of them.
3. The and Clerk of the Corporation of the of are hereby authorized to sign or execute such deeds or other documents as may be necessary to effect conveyance of that part of the said unopened road allowance herein before described and which has been stopped up and closed.

Passed

Reeve or Mayor

Clerk

APPENDIX 3

CORPORATION OF THEOF

P U B L I C N O T I C E

TAKE NOTICE that the Council of the Municipal Corporation of theofproposed to enact By-laws to stop up, close (and lease) (and sell or lease) that part of the original allowance for road set out and described as follows:

The proposed By-laws will come before the said Council for consideration at its regular meeting atOffice, in theofon the day of19 , at the hour of o'clock and at that time, the Council will hear any person or by his counsel, Solicitor or agent, any person who claims that his land will be prejudicially affected and who applies to be heard.

DATED:

Clerk of the Corporation of the
.....of.....



APPENDIX 4

Office of the
Treasurer
of Ontario

Ministry of Treasury Economics and Intergovernmental Affairs

416/965-6361

Frost Building
Queen's Park
Toronto, Ontario

April 9, 1974

Mr. Harold R. Young,
Solicitor,
City of Niagara Falls,
City Hall,
Niagara Falls, Ontario
L2E 6X5

Dear Mr. Young:

City of Niagara Falls,
Application to lay out Palmer Avenue
Extension as a Public Highway.
Under section 450 of The Municipal Act.

This will acknowledge receipt of your letter of March 15, 1974 with enclosures with reference to the laying out of the Palmer Avenue Extension as a public Highway being 56 feet only in width.

Approval is hereby given to the laying out as a public Highway under section 450 of The Municipal Act of those lands immediately west of the Penn Central Railway property and extending from Jepson Street to Simcoe Street, more particularly described as being parts 1, 2, 3, 5, 7, 8, 11 and 12 on Plan 59R-783. All within the City of Niagara Falls in the Regional Municipality of Niagara.

Yours truly,

A large, stylized handwritten signature in black ink, appearing to read "John White".
John White,
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs.



APPENDIX 5

Office of the Minister	Ministry of Housing	416/965-6456	Parliament Buildings Queen's Park Toronto Ontario
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PURSUANT TO SUBSECTION 4 OF SECTION 86 OF THE
REGISTRY ACT AND SECTION 163 OF THE LAND TITLES
ACT. CONSENT IS HEREBY GIVEN TO THE AMENDMENT
OF REGISTERED PLAN NUMBER M-219 BY CLOSING PART
OF SPARKS STREET MORE PARTICULARLY DESCRIBED AS
BEING PARTS 2 AND 3 ON PLAN 53R5465 DEPOSITED
IN THE LAND REGISTRY OFFICE AT SUDBURY ON JULY
24, 1974. ALL WITHIN THE CITY OF SUDBURY IN THE
REGIONAL MUNICIPALITY OF SUDBURY.

DATED AT TORONTO THIS 26th DAY OF September 1974.

Donald R. Irvine
Acting Minister of Housing



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